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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,733	01/30/2002	Byoung-Jo Kim	ATTC-012/00US	5578

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EXAMINER

VU, THONG H

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/058,733

Applicant(s)

KIM, BYOUNG-JO

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 1-28 are pending.
2. This application claims priority to Provisional Application 60/264,948 filed 1/30/2001.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Morris [6,453,361 B1].

3. As per claim 11, Morris discloses a system for providing data associated with a network to an application server [Morris, an application server, col 5 lines 42-52], comprising:

a network interface, said network interface being configured to access network performance information from a network [Morris, APIs, col 5 lines 19-42; AMAPI, col 6 lines 13-33];

an abstraction engine coupled to said network interface, said abstraction engine being configured to translate the network performance information into abstracted data in a format compatible with the application server [Morris, the meta-application abstracts the data model, define model format using XML, col 6 lines 1-8]; and

an application interface coupled to said abstraction engine, said application interface being configured to send the abstracted data to the application server [Morris, Morris, a gateway server meta-application programming interface, col 5 lines 53-59; the gateway server or application server performs any transformation, col 7 lines 15-25].

4. As per claim 12, Morris discloses the network interface is configured to access network performance information associated with a wide-area wireless data network [Morris, Wireless markup language, col 4 lines 37-53].

5. As per claim 13, Morris discloses the network performance information corresponds to operation data associated with a network, the operation data includes wireless-channel-conditions associated with an operation of the network [Morris, Wireless markup language, col 4 lines 37-53].

6. As per claim 14, Morris discloses said network interface is configured to access network performance information from the network based on a protocol compatible with the network [Morris, a transcoding product, col 4 line 62-col 5 line 2; any transformation, col 7 lines 15-25].

7. As per claim 15, Morris discloses said abstraction engine is configured to translate the network performance information into abstracted data in a format compatible with the application server, said abstracted data being configured to be

[Morris, an adapter meta-application programming interface, col 6 lines 14-32].

8. As per claim 16, Morris discloses said application interface is configured to send the abstracted data to the application server based on a standard protocol [Morris, a standard protocol, col 6 lines 14-32].

9. As per claim 17, Morris discloses said application interface is configured to send the abstracted data to the application server based on an XML standard [Morris, XML, col 6 lines 1-8].

10. As per claim 18, Morris discloses the abstracted data is compatible with the application server, the abstracted data including a first subset of data to be processed by the application server and a second subset of data not to be processed by the application server [Morris, the meta-application abstracts the data model, define model format using XML, col 6 lines 1-8].

11. As per claim 19, Morris discloses said application interface is configured to authenticate the application server before sending the abstracted data to the application server [Morris, the meta-application abstracts the data model, define model format using XML, col 6 lines 1-8].

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12. As per claim 20, Morris discloses said application interface is configured to send the abstracted data to a mobile client [Morris, PDA, cell phone, Fig 1].

13. Claims 1-10 and 21-28 contain the similar limitations set forth in apparatus claims 11-20. Therefore, claims 1-10,21-28 are rejected for the same rationale set forth claims 11-20.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896. The fax number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
**Patent Examiner**  
**Art Unit 2142**

